provision that only if income is brought into Cochin that it becomes taxable. Otherwise, we have made no departure from the Indian Income-tax Act.

The Indian Income-tax Act and our present Bill make several departures designed to help the assessees. One important difference in taxation is the adoption of the slab system. It is highly technical. In brief it only means that with respect to incomes between a given minimum and maximum there is the same scale. It is a more reasonable and equitable form of taxation.

Then, there are several provisions designed to prevent evasions. For example, there may be cases where a person divides his income and settles portions on his sons or daughters to evade payment of income-tax. Numerous cases of this nature have occurred. Then there are evasions in the case of charitable institutions. There were certain exemptions with regard to charitable societies and some of the trustees were abusing such provisions. Necessary provisions have been incorporated in the Bill to meet this. These are all matters for the Select Committee to consider. I submit the principles should commend itself to the hon'ble members of the House.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Income-tax Bill"

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, I move that the Bill be referred to a Select Committee consisting of the Advocate-General, Messrs. C. R. Iyyunni, A. Eachara Menon, A. L. Antony, N. Govinda Pai, T. P. Poulose and the mover.

Mr. M. Sivarama Menon *(Advocate-General):* I beg to second it.

Motion put and carried

Deputy President: The Secretary to Government will be the Chairman. The Committee will submit its report within three months.

The Cochin Registration of Literary, Scientific and Charitable Societies Act (Amendment) Bill

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, I rise to move that the Cochin Registration of Literary, Scientific and Charitable Societies Act (Amendment) Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Sir, I rise to oppose the motion. This is one of the most interesting pieces of legislation that I have come across in my experience. It pretends to

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be an amendment to Act II of 1088 regarding the registration of charitable and literary societies in our State. That Act itself had been in the statute book for the last so many years and now an amendment of that legislation is sought for. An examination of the original Act and the present amendment will go to show that the present amendment and the original Act have nothing in common. What was intended by the original enactment is sought to be nullified by the amendment now proposed by the learned Government Secretary. The original Act itself was intended to enable societies to get a legal status in the eye of law. It was intended to facilitate the conduct of suits against and by societies and to give a society a personality different from its members. The very preamble of the original Act will show that it is so. The preamble of Act II of 1088 which is sought to be amended by the present Bill states: "Whereas it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science or the fine arts, or for the diffusion of useful knowledge or for charitable purposes; it is hereby enacted as follows". So that it is clear that the object of the existing law is to improve the legal condition of these societies. But for this Act, these societies will not be different from the persons who are the members of such societies. If you have to file a suit you will have to implead all the members of the society or to get the sanction under the relevant provisions of the Civil Procedure Code to implead a few persons representing it. But for the existing Act, a society will have no personality in the eye of law. The purpose of the present Act is to give that privilege. The preamble to the amendment Bill which is now before the House is to this effect.— "Where it is expedient to amend the Act for the registration of literary, scientific and charitable societies in Cochin, Act II of 1088, for the purposes hereinafter appearing; it is hereby enacted as follows". In the existing Act there are 21 sections and some 14 or 15 sections are intended to be added in continuation of them. Clause 3 of the Bill seeks to incorporate a new section 22 in the present Act with power for the Government to call for accounts and inspection of books, etc. According to this section, Government will have the power to call for the accounts and books of a registered charitable society. But it is curious that the same section also states that if an officer who has been deputed for this purpose thinks that the President, Secretary or any other member of the society is likely to remove the moveables of the society, that officer shall take custody of the same. In other words, instead of the members of the society appropriating the moveables, the officer himself can appropriate the same. That is the way in which that section has

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been put. So the House will see that step by step the intention of the original legislation is sought to be nullified.

As I stated, the underlying principle of the original legislation was to give a legal status for societies registered under that enactment. For the information of the House I may say at once that the bodies that will fall under this enactment are samajams, clubs, etc., which have been registered under this Act. These are societies which have got full internal autonomy for conducting their affairs and there are provisions for dissolving these bodies. Government have nothing to do with these bodies except to get statements as to the President, Secretary, etc. But, in the new clause 3 adding a new section 22, Government have taken the power to call for records, accounts, etc., and in the same clause it is stated that the Government can take possession of the moveables belonging to the Society. Then comes section 23 which says that Government may fine any member of the governing body or servant of the Society and dismiss him for disobedience. For the first time I come across an attempt being made to give the executive power to fine the members of a governing body, if they fail to obey the orders of the Government. Ordinarily a person can be fined only after being prosecuted in a court of law. Perhaps times are changing. We are hearing of dictator-ships and it is said that fundamental changes in the notions of administration are taking place everywhere in the world. Here is our Government coming for sanction for a law that Government can punish a person imposing a fine; no right of appeal and no defence! Towards the end of the Bill it is stated that nothing done by Government under this Act can be questioned in a court of law.

Clause 23 of the Bill says: "Government may fine any member of the governing body or servant of the society who wilfully or contumaciously disobeys any order passed by them under section 22.....If the said member or servant fails to carry out the said order within one week from the date of receipt by him of the order imposing the fine, Government may dismiss him." That is to say there may be a Nair Samajam or an Ezhuva Samajam or a Literary Society and when the officer appointed by Government calls for a statement and the statement is not furnished, the Secretary is dismissed.

Then comes clause 24. The preamble to that clause says, "in exercising the powers of supervision, Government may frame such rules". Nowhere is it stated in this Amending Act or the original Act that Government have got the powers of supervision over these societies. They are autonomous bodies brought into existence with the particular purpose the promoters of such societies have in view.

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In clause 24, it is stated, "in exercising the powers of supervision". According to me, powers of supervision have been taken automatically by the Government. I do not find either in this Amending Bill or in the existing Act any power given for the Government for this purpose.

Mr. A. V. Moothedan *(Chalakkudi):* It is beyond the scope of the Act.

Mr. P. Govinda Menon *(Mulakunnathukavu):* In exercising such powers of supervision Government may frame rules, and it would be the duty of the governing body to conform to such rules. Government frame the rules and they will be sent to the various governing bodies and they will have to administer the rules. If the governing body fails to conform to the rules framed under section 24 or if in the enquiry or on the report referred to in section 22 Government are satsified that the removal of the governing body or any of its members is necessary in the interests of the Society, Government may order such removal. Rules will be framed and sent to the governing body. They may or may not obey this. Then the governing body itself may be removed.

Clause 26 gives power to fill up vacancies in these autonomous bodies and these vacancies may be filled up under the rules of the society. Of course, that is a very great concession shown. Government, however, do not forget its supreme power and there is a proviso that Government may fill up such vacancies otherwise than in accordance with the rules of the society if, in their opinion, such a deviation is necessary. So that power is also there.

Then comes clause 27 according to which Government may assume the management of any society. I would at this juncture request the members once more to read the preamble to the existing Act. It says: "Whereas it is expedient that provisions should be made for improving the legal condition of societies, established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge or for charitable purposes" and certainly to improve the legal conditions of societies Government may assume management of the societies, if, in their opinion, action under sections 22 to 26 would not be sufficient to safeguard the interests of the societies."

Then comes clause 28. It is the most interesting provision. Government may assume management, but before doing so they will call for a report from the Registrar and it is in pursuance of that report they are going to assume management. I remember an instance referred to by the Hon'ble Member for Nellayi where a man was punished. A certain subordinate was punished and when

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it was pointed out that no explanation was taken, the order was to take his explanation and punish him. You can call for a report and then assume management.

The next clause gives power to pass orders for carrying out the order of assumption.

Then comes another curious clause—clause 30—which is to the following effect.—" If the Governing body, member or servant of a society or any other person, knowing that an order under section 29 has been promulgated, disobeys any direction contained in such order, or otherwise fails to comply with the requirements of the said order within the period prescribed in such order, or if no such period is prescribed, within a reasonable time, Government may impose a fine .... ". In the same clause another sub-clause has been introduced by way of abundant caution to the effect that he shall also be deemed to have committed an offence under section 174 of the Cochin Penal Code. That means when once an order has been disobeyed, the law presumes that he has committed an offence under the Penal Code. Generally it is for the prosecution to prove the offence. But this section says that you shall be presumed to have committed the offence under section 174. According to this section, if the Government forwards to the Magistrate a statement that an order passed under section 29 has been violated, the Magistrate shall presume that an offence has been committed and the poor man will have to answer. Again I say, we are passing through strange times.

Clause 31 says that Government may withdraw from management at any time. Indeed that is very kind of them. Clause 32 says that expenses incurred by the Government shall be recovered from these Societies. For all these things Government will have to incur expenditure *viz.*, for removal of members, for the safe custody of the moveables, for making the report to Government about the affairs of the society, etc. Certainly the Government is not going to outpocket these expenses out of the treasury in the interests of the tax-payers and so it will be taken from the funds of the society. Fines levied under this Act will be recovered under the Revenue Recovery Act.

This is the nature of the Amending Act which the Hon'ble Secretary presented before the House with a short laconic speech as if there is nothing serious in the Amending Bill. I put it to the House that this is a most dangerous piece of legislation, most unwarranted, and there is absolutely no reason why this House should place a legislation of this kind on the statute book. I do not know what the immediate provocation for the Government was to

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bring in such a piece of legislation. A very reading of the different provisions of the Act, the great power given to the Government under the Act, the proviso that no act done by Government under this Act could be questioned in a court of law—all these things should set us thinking, and I am sure that hon'ble members of this House will agree with me that the motion should be defeated.

Mr. V. K. Bhaskara Menon *(Cranganur):* Sir, I have great pleasure to support the motion moved by the Hon'ble Secretary to Government. I do not see any reason whatsoever why there should be this long and effusive speech of the Hon'ble Member for Mulakunnathukavu as opposed to the short and laconic speech of the Hon'ble Government Secretary in the matter of such an inoffensive piece of legislation. What exactly is the object of the Bill? They want to see that the affairs of the people of the country are set at right and that there should be some machinery by which the Government, in respect of the wishes of the people, will be able to get them corrected in the right direction. Is this not a very wise and laudable objective? Now what exactly are the objects and reasons which induced the Government to bring forward such a measure? The House will be pleased to remember that it is the same argument that was advanced with regard to the kuri legislation and the House accepted it. Kuries were originally started as co-operative organisations and they have ultimately attained a stage when it has become necessary and essential for the Government to evolve rules for their effective management in the interests of the subscribers.

Mr. V. K. Krishnankutty *(Trichur-Ezhuvas):* Will the Government take up the management of the kuries also?

Mr. V. K. Bhaskara Menon *(Cranganur):* This is only a a piece of legislation on a line with the kuri legislation. My friend Mr. Krishnankutty asked a very pertinent question as to whether the Government will take up the management of kuries. Certainly, Government will. For the expenses connected with their management, Government will take advantage of the kuri funds. Government is not going to be bothered in that the interests of any society or of any individual are going to suffer. They are only concerned with the people as a whole. In the matter of these societies, though they originally began as institutions for the betterment of the people, they have now assumed shapes when there is scope for misdirecting their activities and it is only wise and proper that a civilised Government should legislate for their proper management. As regards the various sections, details of which have been placed before the House by the previous speaker, they are almost all absolutely inoffensive.

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A great objection was raised by my hon'ble friend, the Member for Mulakunnathukavu, with regard to prosecutions and all that. What is there in it? If there is a law and if the provisions of that law are not observed, naturally we should expect a prosecution. Government have made the position very clear. We are going to have this legislation and if you violate any of its provisions, you would be punished. I do not see anything very startling in that.

Then, all monies and funds would be collected as arrears of land revenue under the Revenue Recovery Act. What harm is there in collecting the amount by the application of the Revenue Recovery Act? I ask the House, do you expect the Government to file a suit in a civil court and recover the amount after a long time? In matters in which Government spend money, for furthering the interest of the people the wisest procedure would be to realise the amount through the application of the provisions of the Revenue Recovery Act. A more summary procedure may be adopted if that is available.

(At this stage, the Hon'ble President took the chair).

My friend Mr. Govinda Menon has been harping upon the danger of Government being invested with supervisory powers. I do not see why Government should not possess supervising powers. Once these institutions are given a legal status, I think, it is the duty of Government to see that those bodies which have been given a particular status by legislation should be under their control. They should, in fit cases, interfere in their internal management also. There is absolutely no sanctity attached to the fact that because they are autonomous bodies, they should always remain autonomous. Then, as a sort of culminating argument, the hon'ble member characterised the amendment as autocracy of the worst type. What is wrong with autocracy, I ask? Autocracy is doing you good. With the gradual development of responsible government, Government will never be doing you harm by passing this piece of legislation. Therefore, I respectfully submit to this House that it is absolutely unfair to this Government that this Bill should be opposed at this stage.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, on going through the statement of objects and reasons, I think, the principle of the Bill, to a certain extent, will be clear. Government's complaint is that with regard to societies which are receiving aid from them they have no power of supervision. I think, there is some justification for this complaint and therefore, *prima facie* there is a case for amending the law. Then the question is, how much power

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should be vested in Government. That is a matter of detail and can be referred to a select committee. As it is, large powers of interference are given to Government, and if the Bill is passed as proposed, these societies will become more or less like the panchayats under the control of the Minister and the Director of Public Health and Panchayats. There should be some amendment to the existing law and I am therefore prepared to extend my support to the principle of the Bill, although some of the provisions should be drastically amended. For example, there is the amendment of Mr. Iyyunni with regard to the appeal to the High Court. In the Newspapers Act or some such law in British India, if anyone objects to the procedure adopted by Government, Government should refer the matter to the courts of law. Here also an amendment may be introduced to the effect that if any society objects to the action taken by Government, Government should *suo motto* refer the matter to the High Court. The party aggrieved cannot be made to go to a court of law. It is the Government that should apply to the court for a decision. With these observations; I support the motion for referring the Bill to a Select Committee.

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, the Bill now before the House is not so alarming as it is made to appear by the Hon'ble Member for Mulakunnathukavu. The Act which now exists with regard to the registration of charitable or other societies is an Act of 1088, and the hon'ble members will find in all 21 sections in the Act. Under that Act, if a minimum number of seven persons, who have taken upon themselves the duty of forming a society and collect funds from the public, take it into their heads to mismanage its affairs, there is no power on earth to stop that mismanagement. I ask hon'ble members to point out one section in that Act of 21 sections which will enable anybody to stop that mismanagement.

Mr. C. R. Iyyunni *(Trichur-South):* In the meantime, may I ask one question? May I know whether there is any Act in British India containing corresponding provisions as are sought to be introduced by this Amending Bill? I looked through the whole statute book, and I was not able to find any legislation corresponding to the one introduced here till 1932.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* The Hon'ble Government Secretary just now said that there is no power on earth to stop mismanagement. But, as a matter of fact, there are provisions in the Civil Procedure Code under which action can be taken against such mismanagement, and these provisions have also been resorted to in very many cases.

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Mr. K. Achyuta Menon *(Secretary to Government):* I will answer Mr. Iyyunni by saying that even in the British Imperial Legislature, I will address the same arguments. There also I suppose somebody will rise up and ask : " Is there similar legislation elsewhere ? " I would answer that the question is beside the point. We are here discussing the merits of the legislation.

Mr. C. R. Iyyunni *(Trichur-South):* I asked the question, because we were copying very many enactments from there, and that also used to be one of the arguments raised for adopting similar legislations here.

Mr. President: That is no reason why we should not ourselves legislate and show the way for British India to follow.

Mr. K. Achyuta Menon *(Secretary to Government):* I put a specific question. Is there in this short Act of 21 sections anything which enables the Government to prevent such mismanagement ? Section 17 of the Act says : "The governing body of the society shall be the governors, council, directors, committee, trustees, or other body to whom, by the rules and regulations of society, the management of its affairs is entrusted." The governing body constitutes in itself the governors, council, directors, committee, trustees or other body, to whom the management of its affairs is entrusted. If these seven persons are all of one mind, there is no power which can stop the mismanagement. It is only in the case of quarrel among themselves or in the case of disagreement that the court can be invited to interfere. Now, under section 14, " no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution, by their votes delivered in person, or by proxy, at a general meeting convened for the purpose." If no dispute arises and if all these seven people are of one mind, nobody can interefere with its management.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Then how does it affect you ?

Mr. President : They have collected money from the public. If seven persons collect two lakhs of rupees from the public in the name of charity and then swallow the money, should not Government have some power to interfere ?

Mr. V. K. Krishnankutty *(Ezhuvas Trichur):* Is there not a general body ?

Mr. K. Achyuta Menon *(Secretary to Government):* You presume the existence of a general body. But there are cases where the governing body and the general body are one and the same.

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The governing body passes a resolution sitting in one room and the general body of the self-same persons meets again on the same day in another room and confirms the resolution passed by the governing body. Such things actually exist. I would not mention the society. In the case of mismanagement there is no remedy under this Act. It was a clear gap in that legislation. So far as relations between Government and these societies are concerned, they are under the particular care of Government. Section 21 enumerates the kind of societies which can be registered under the Act: "Charitable societies, societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, the foundation or maintenance of libraries or reading rooms for general use among the members or open to the public, or public museums, and galleries of painting and other works of art, collections of natural history, mechanical and philosophical inventions, instruments or designs." Government have given certain concessions also to these societies. In the matter of registration the fee provided is only Rs. 25. Utmost encouragement is given by Government and they have no power to control them. The question, therefore, arises as to whether Government should not have some control over them. It was asked whether a scheme suit will not apply. In such cases one of those interested must apply to the court. But, if there are only seven persons and they are all of one mind and do not ask the Government for permission to file a suit, what will be the position? It is not a case of temple worshippers or where there are a number of persons interested in a charity or endowment who can move a suit with the permission of Government. Very often, it happens that they do not bring their own money. They collect subscriptions, contributions, Government donations and donations from the public who are charitably inclined. If they mismanage their affairs with the money collected from the public, there is no power vested in the Government to interfere. If there are only seven persons, who will be the complainant?

Mr. President: They are dealing with public money. We have come across a case in which a few people joined together and got a society registered under this Act. They collected two or three lakhs of rupees from the public for the purpose of doing some charitable things and they are mismanaging it. They are mere trustees of the public for the amount they have collected and nobody can question them. The Minister will explain to you the exact circumstances.

Mr. K. Achyuta Menon *(Secretary to Government):* There must be some power effectively to put a stop to this kind of

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mismanagement and Government thought that they would approximate as far as possible to the powers which they possess under the Hindu Religious Institutions Act. Mr. Govinda Menon said that we have brought forward a new piece of legislation altogether. But, as a matter of fact, identical powers are exercised by Government in the case of private trusts dedicated to the use of the public. Even with regard to private temples dedicated to public use, which are the property of particular *uralars*, Government have got similar powers. Do you mean to say that Government could not have such powers with respect to institutions in which the public are interested? Now, what are the powers which the Government have taken under the Bill? The first section calls upon the governing body to give us the accounts, only to find out what exactly they are doing with public money.

Mr. A. V. Moothedan *(Chalakkudi):* Suppose they collect the money among themselves?

Mr. K. Achyuta Menon *(Secretary to Government):* That will be an exception. Several philanthropic men coming forward and investing their money for the general benefit of the public is a phenomenon very rare at least in this part of the country. What they generally do is to go about the country asking for subscriptions or get the permission of Government to conduct lotteries or solicit the good offices of Government for giving them donations. If these people mismanage, what is the remedy? We are upon a question where a set of seven people collect money from the public and mismanage the affairs of the society.

Mr. C. R. Iyyunni *(Trichur-South):* So also the question may arise where seven philanthropically-minded people gather together, take money from their own pockets and conduct the affairs of the society. In that case, why should Government interfere and call for accounts?

Mr. K. Achyuta Menon *(Secretary to Government):* Then, it is a case for exemption. We are here over the question of an institution registered as a public society with funds collected from the public and misappropriating the funds entrusted to them for a specific purpose. Should there not be some residual power somewhere, in some supervising authority, to set matters right when things go wrong? Government thought that they should step in such cases and frame the necessary provisions. Under those provisions, they are to satisfy the Government that funds entrusted to their care are being properly administered. If they are contumacious, Government have the power to inflict a fine, and if even afterwards, they do not come round, Government can appoint other people in their place

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or the Government itself can step into the management. There is also provision to give back the management in proper cases. These are all the provisions contained in the Amending Act.

Mr. A. B. Salem *(Mattancheri):* Supposing a society of three or seven members.....

Mr. President: I think it will considerably facilitate the discussion if the Hon'ble Minister explain the position.

Mr. K. Achyuta Menon *(Secretary to Government):* I am just confining myself to the legal position. As to the concrete case which led up to this legislation the Hon'ble Minister will be apprising the House about it.

*Dr. A. R. Menon** *(Minister for Rural Development):* Sir, some time ago, the mismanagement of an institution was brought to my notice, and on subsequent enquiries I found out that the state of affairs there was in a very chaotic condition.

Mr. President: You may mention the particular case under reference. State the name of the Samajam.

Dr. A. R. Menon *(Minister for Rural Development):* Yes. There is a Samajam at Cheruthuruthy known as the Keraliya Ayurveda Samajam. The late Dr. Puduval who was then in charge of that department went there as representative of the Government to inspect the records and generally to inspect the working of the institution. When he went there, he was prevented from doing it on the ground that only accounts relating to a certain period will be submitted. Grave complaints were received by Government through various public bodies and individuals among whom was an ex-member of this Council also, saying that the hospital is being mismanaged, the poor people especially were not properly treated and on the whole the institution was converted into a kind of paying business for the rich. An exhaustive enquiry was made and we were satisfied that there is ground for such complaints. I myself paid a visit to the same institution. The Secretary said that they are not obliged to supply us with the necessary information under the law, but as a matter of personal courtesy they were agreeable to do so. Naturally, I did not enquire into the business any further and left the institution. I addressed a letter to the Diwan saying that under the existing law, I am unable to exercise a serious and reasonable control over these institutions and in the light of the experience that I have gained it would be advisable on the part of Government in consultation with the Advocate-General to frame necessary legislation, so that I may be empowered with necessary powers— with ample powers of interference, where interference was found necessary.

*Speech not corrected by the hon'ble member.

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As the House is well aware, a large amount of money is collected by the institution from the public, not only in Cochin State but mainly from outside, and it is my belief that they succeeded in collecting this large amount mainly due to the fact that the Cochin Durbar is behind this institution. Apart from the money paid by the Government, the large contributions made by the Government, apart from the land assigned to them by the Government, the name of the Government served as a Talisman in other parts to open the treasures and they were collecting the money from various parts. I naturally submitted a report to Government that this Government is responsible—morally at least—to the people from whom this money is collected, and it is time that we assume a little more authority over these institutions or sever our connection entirely with them. The result was that, for the time being, we refused to continue the grant that used to be given to them. We refused to give the grant to the institution. A series of questions were put by Mr. Iyyu on the subject. And as the House is aware, I immediately answered all the questions by saying that the grant was stopped. Government have already given a large amount of money to this people and this thriving institution was being deliberately mismanaged, I emphasised the term, deliberately, intentionaly, purposely. The pity is, they continued the same course of action even after being warned. That is the history of the institution. So, in order to have some control over such institutions, a general request was made that I must be provided with ample powers to put an end to this mismanagement. What those laws should be are matters for the legal advisers of Government to decide. I am not responsible for the framing of this section, but certainly I am responsible for demanding from the Government ample powers to put an end to this anarchy that existed in that place. That is the genesis of this Bill. It is at my request to invest me with the necessary powers to effect a control over the institution that this Bill has been brought before this House. That is its origin. Whether this section goes beyond the necessary limits, whether any of these sections should be removed or modified, are matters, I believe, to be considered by a Select Committee. But, what I would say is that it is an absolute necessity to have a Bill of this kind if you want to manage these institutions properly.

Further, I have never understood the objection of any society in rendering any accounts in allowing the representative of Government to inspect the books. If you are conducting a society in a proper form, that will only enhance your reputation—your reputation for honesty. If books are kept properly, it is in the public interest that such societies' activities

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should be exposed. That is the view I have taken and I do take the same view even now. Even in institutions where Government money is not invested, where public moneys are collected under the guise of pretence of doing certain things, if they do not fulfil those conditions for which moneys are collected, is it not the duty of the Government to interfere and see that it discharges the obligations incurred by them in collecting money from these people? These are the questions we have to consider. There is the objection that Government are interfering with such societies' liberty. I can quite understand. But there is equal objection that sometimes these societies may abuse the powers entrusted with them. Therefore, you may take a *via media* to give ample powers to the administration without giving unnecessary powers. To what extent these powers should be given and to what extent such powers should be restricted are all matters for this House to consider. I think, all these questions may be discussed at a Select Committee, so that necessary modifications may be made. These are the reasons why this Bill has been brought forward. I wanted to explain this position to the House, and I hope the House has understood the reason—not an imaginary reason—for bringing this Bill before this House. It is a real live issue which calls for our serious attention. We must put an end to this kind of mismanagement by forcibly taking the authority of the Government and taking over these institutions under our hand. As to what we should do in the near future with regard to this institution is a matter under the consideration of the Government.

Mr. President: I would like to supplement what has been said by the Hon'ble Minister, as this matter comes within my purview also. Hon'ble members are imagining that Government want to interfere with the affairs of private societies which deal with their own management. That is not the idea. The Charitable Societies Act permits some seven persons to join together and form themselves into a society and to raise funds from the public. Now, when once they have raised funds from the public, if this body of persons are agreed upon misappropriating the amount without any difference of opinion amongst themselves, then, under the Act, nobody can interfere. I might put it to the hon'ble members whether such a state of affairs should be allowed to continue. This is not an imaginary case that I am stating. This particular hospital was registered under this Act. Now, the Cochin Government went to the extent of giving them lands and also gave them a substantial annual contribution, and I believe they have collected from the public very nearly two lakhs of rupees; because I am told that even now the Managing Committee have in its possession by way of

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investment Government paper worth over a lakh of rupees. It is not anyway within the Cochin State. It has been removed outside. We have no control over that now. Well, complaints were made that this hospital was being mismanaged. Now this organisation is supposed to be one not for profit. The question of profit does not arise, when an actual dividend is not paid to the share-holders. You may call your society—not for profit—by not distributing any dividend amongst your share-holders, but misappropriate the money that you collect. Whether the actual collections made by the society were right or wrong, when once serious allegations were made, we thought that we must at least enquire into the matter, and especially so in view of the fact that this is a body in the position of a trustee of public funds which enjoyed the patronage of the Cochin Government itself. What did we do? We simply addressed a letter to the Managing Committee saying that several complaints have been received from the public. Now that we have received these complaints and in view of the fact that Government have been giving aid to your society, will you please allow us to come and examine your affairs? The reply that we got was a legal notice, stating that the Government of Cochin have no power to interfere in these matters, as we are told that, under the Act under which the Society was registered, the Cochin Government had absolutely no powers. Technically and legally they were right. What did we say? We stopped the grant. No doubt, we wanted to prevent Government money being misappropriated. Then, what about the public funds to the extent of two lakhs in the name of the Charitable Society registered under an Act of Cochin State? Is not the public entitled to secure protection at the hands of the Government which enabled a body of persons to be registered into a society? Under the law of the land, we found that we were powerless. What happened was the moment the management came to know that we were going to take action, every item of moveable property in the hospital was removed outside Cochin State. They were taken to places like Palghat, Coimbatore, or Madras and we found that there was some immovable property which could not be removed. Suppose that hospital was conducted in a rented building. The position would have been that the entire money that has been collected would have been taken away from Cochin State. I put it to the House, is it fair to allow a body of persons to register themselves under an Act of the State and to allow them to go scot-free? Obviously, I do not think it is to be permitted under any circumstances. No doubt, I recognise that *prima facie* the powers of Government are wide. Why should you assume that Government will go on confiscating private property? Is it the function of any government to go and

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enter upon the possession of these funds or take hold of these funds and properties? No government worth the name will do it. In fact, Government are much more under the influence of public opinion in these matters. Therefore, it is absolutely necessary that some control should be exercised over these institutions. There are two alternatives, *viz.*, placing restrictions in regard to dealing with public funds or investing Government with arbitrary powers. I would unhesitatingly prefer the latter course. And that is why we have thought it necessary to introduce this Bill.

And these provisions are not new. These have been taken from the Hindu Religious Institutions Act. The application of the provisions of the Hindu Religious Institutions Act is in a sense even more severe. Here at least we are trying to tackle with the society which actually deals with public funds. In the case of a religious endowment, the funds of a private person or a family are placed in trust with a temple which is a public temple. It is the funds of a private family or a person, and yet we have got ample powers to interfere in the management of that temple and, if necessary, to remove the management, if it is proved that the trustee of that family mismanages the same. When that is so, and when Government have certainly not misused their powers in such cases, why should you assume that Government will misuse powers in this case, when any society conducting its affairs in a proper and legitimate manner is called upon to show accounts. For whose benefit? For the benefit of the public at large and the State. Even in such cases I think it is better to take the risk of interference by an organised government than to allow the misuse and misappropriation of funds by private individuals who have organised themselves into societies. So that it is not merely a theoretical or hypothetical case. We are trying to fight out an actual case that has taken place within our own State for which the existing provisions prove that we are absolutely powerless. I quite understand the point raised by Mr. Iyyunni. You might put a section saying that, in the case of a society, the funds of which are merely property of those persons, without one rupee being collected from the public, we have no objection to exempt those societies. On principle, no body can object to these provisions of the Bill that we are introducing. We are not seeking to take these extraordinary powers on imaginary grounds, but because we are faced with an actual situation in which we find need for the existence of these powers on the Statute Book.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, ഈ ഒരു കാര്യത്തിൽ ഗവണ്മെൻറിനു് പറ്റിയ അപകടംകൊണ്ടുണ്ടായ ഇപ്പോഭംഗത്തിൻെറ പ്രേരണ ഈ ബില്ലു് എഴുതിയവരെ ബാധിക്കാതിരിക്കുവാൻ അവർ ശ്രമിച്ചിട്ടില്ലെന്നാണു് എനിക്കു തോന്നുന്നതു്. ഗവണ്മെൻറു് ഇപ്പോൾ കാണിച്ചതുപോലെയുള്ള ഒരു സ്ഥാപനത്തിൽ

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നടന്നിട്ടുള്ള അഴിമതികളെ തടയേണ്ടതു് ആവശ്യംതന്നെയാണു്. അതിനുള്ള അധികാരം ഗവമ്മെൻറു് എടുക്കണം. എന്നാൽ ഈ ബിൽ ഏതെല്ലാം മാതിരിയുള്ള സമാജങ്ങളെയാണു് ബാധിക്കുന്നതെന്നുള്ള സംഗതി ഗവമ്മെൻറു് തീരെ ആലോചിച്ചിട്ടില്ല. വളരെ സമാജങ്ങളും ഈ ആക്ടനുസരിച്ചു റജിസ്റ്റർ ചെയ്തിട്ടുണ്ടു്. ആ സമാജങ്ങളിൽ ചിലപ്പോൾ മിസ്മാനേജുമെൻറു വരുന്നുണ്ടു്. എന്നാൽ അതെല്ലാം ആ സമാജങ്ങളുടെ പൊതുയോഗങ്ങൾതന്നെയാണു് തീർക്കേണ്ടതു്. ഗവമ്മെൻറു് അതുകളിൽ തലയിടേണ്ട ആവശ്യമില്ല. കേരളീയ ആയുർവേദ സമാജത്തിനു് സഹായം ചെയ്യുന്നതു പ്രത്യേക കാരണത്താലാണു്. അതുപോലെയുള്ള സഹായം എല്ലാ സമാജങ്ങൾക്കും കിട്ടുകയില്ല. ഏഴുപേർ ചേർന്നുള്ള ഒരു സമാജത്തിനു് സഹായം ചെയ്യുമ്പോൾ അതിൻറെ ഭവിഷ്യത്തുകളേപ്പറ്റി ഗവമ്മെൻറു് ആലോചിക്കേണ്ടതായിരുന്നു. ഈ ബിൽ നിയമമായിക്കഴിഞ്ഞാൽ ഇതിൽ പറഞ്ഞിട്ടുള്ള അധികാരമെല്ലാം ഗവമ്മെൻറു് എടുക്കുവാൻ പോകുന്നതു് നല്ലനിലയിൽ നടത്തുന്ന സമാജങ്ങളുടെ നേരെയായിരിക്കും. സമാജങ്ങളുടെമേൽ എന്തെങ്കിലും ഒരു കൺട്രോൾ ഉണ്ടായിരിക്കുന്നതു കൊള്ളാം. അതുകൊണ്ടു ഈ ബിൽ സിലക്ടു് കമ്മിറ്റിക്കു് അയക്കുന്നതുകൊണ്ടു് വിരോധമില്ല. പക്ഷെ സിലക്ടു്കമ്മിറ്റിയിൽ ബില്ലിനു് അലകും പിടിയും മാറുന്നതരത്തിൽ വലിയ മാറ്റങ്ങൾ വരുത്താതെ നിവൃത്തിയില്ല. ദിവാൻപ്രസിഡണ്ടിൻറെയും മന്ത്രിയുടേയും സിക്രട്ടറിയുടേയും വിവരണങ്ങൾ കേട്ടിട്ടും ഈ മാതിരി ഒരു നിയമം ആവശ്യമില്ലെന്നതന്നെയാണു് എനിക്കു് തോന്നുന്നതു്. ഒരു ഒറ്റ സമാജത്തിൻറെ കാര്യത്തിൽ നേരിട്ട വിഷമത്തെപ്പറ്റിയാണു് ഇവിടെ പറഞ്ഞതു്.

Mr. President: We are not concerned with the money that we pay. We are concerned with the money that is collected from the public.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: (തുടർച്ച) ആ സമാജക്കാർക്കു പണം പിരിക്കുവാൻ സാധിച്ചതു് ഗവമ്മെൻറിൻെറ പെടണെജു് (Patronage) കൊണ്ടാണു്. ഗവമ്മെൻറു് ഇനിയും ഇങ്ങിനെയുള്ളവർക്കു പെടണെജു് കൊടുക്കും. സാധുക്കളായ ആളുകൾ ആയിരവും രണ്ടായിരവും ചേർന്നു സ്വന്തം പിരിവുകൊണ്ടു ലക്ഷം രൂപയിലധികം ഇട്ടു മറിക്കുന്ന സൊസൈറ്റികളും ഇവിടെയുണ്ടു്. അവിടെ ഗവമ്മെൻറിൻെറ നിസ്സാരന്മാരായ ഉദ്യോഗസ്ഥന്മാർ വന്നു ഇടപെടുവാൻ അനുവാദം കൊടുക്കുന്നതായാൽ അതു് അവക്കൊരു പോരായ്മയാകും. എന്നുതന്നെയല്ല വലിയ വിരോധത്തിനും ഇടയാകും. ഈ ഏഴുപേർ ചേർന്നു നടത്തിയ ഒരു സ്ഥാപനത്തിനു് ഗവമ്മെൻറു് സഹായം ചെയ്തു എന്നറിഞ്ഞപ്പോൾ മറുള്ളവർ തീച്ചയാക്കി അവർ വലിയ യോഗ്യന്മാരായിരിക്കുമെന്നു. ഗവമ്മെൻറു് ജനങ്ങളെ തെറ്റിധരിപ്പിക്കുകയാണു് ചെയ്യുന്നതു്. ഈ സ്ഥാപനത്തിനു് പണം കൊടുത്തതുതന്നെ ഗവമ്മെൻറിൻെറ പേരിൽ ഒരു തെറ്റാണു്.

ഈ ബിൽ തള്ളിക്കളയണമെന്നുള്ള അഭിപ്രായക്കാരനല്ല ഞാൻ. അഴിമതികൾ തടയാനുള്ള ചില അധികാരങ്ങൾ ഗവമ്മെൻറിനു് വേണമെന്നുള്ളതിൽ ആക്ഷേപമില്ല. ദിവാൻ പ്രസിഡണ്ടു് അവർകൾ പറഞ്ഞു ഈ ബിൽ ക്ഷേത്രട്രസ്റ്റുകളെ സംബന്ധിക്കുന്ന നിയമത്തിൻെറ പകർപ്പാണെന്നു്. ആ ട്രസ്റ്റുകൾക്കു ഈ മാതിരി നിയമം ആവശ്യമാണു്. ട്രസ്റ്റുകൾ ഭരിക്കുന്നതു് അധികമാളുകൾ ചേർന്നുള്ള യോഗങ്ങളല്ല. പക്ഷെ നേരെമറിച്ചു സാമുദായികാഭിവൃദ്ധിക്കുവേണ്ടി വളരെ ആളുകൾ ചേർന്നു സമാജങ്ങൾ തുടങ്ങി പണംപിരിച്ചു സമുദായത്തിനുവേണ്ടിയുള്ള നല്ല കാര്യങ്ങൾ നടത്തിക്കൊണ്ടിരിക്കുമ്പോൾ

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അതുകളിൽ പുറത്തുനിന്ന ഇടപെടൽ വരരുതു്. ഈ സമാജങ്ങളിലെ മാനേജിംഗ് കമ്മിറ്റി വല്ല തകരാറുകളും ചെയ്താൽ അവർ എത്ര കേമന്മാരായാലും ശരി പൊതുയോഗങ്ങളിൽ അവരെ നെളിച്ചുനിത്തി സമാധാനം പറയിക്കും. ഗവമ്മെൻറ് അഡ്വക്കേറ്റിനുതന്നെ അറിയാം ഈയ്യിടെ ഒരു സമാജത്തിൽ ഒരു കുഴപ്പമുണ്ടായതു്. ആ കുഴപ്പം തീർക്കുന്നതിനു് അദ്ദേഹവുംകൂടി സഹായിച്ചു. മാനേജിംഗ് കമ്മിറ്റി നിവൃത്തിയില്ലാതെ വന്നപ്പോൾ ഭരണം ഒഴിഞ്ഞുകൊടുത്തു പോകേണ്ടിവന്നു. അതുകൊണ്ടു് ഗവമ്മെൻറ് കൊണ്ടുവന്നിട്ടുള്ള വിവരണങ്ങളെ മുൻനിത്തിയുള്ള ഈ നിമയം ഇങ്ങിനെയുള്ള എല്ലാ സമാജങ്ങളേയും ബാധിക്കത്തക്ക വിധത്തിലായിരിക്കുന്നതു് ഗുണകരമല്ല എന്നുള്ള അഭിപ്രായമാണു് എനിക്കുള്ളതു്. ഇതിൽ വലിയ മാറ്റം വരുത്തി ഇതിനെ ഒരു നിയമമായി എടുക്കുന്നതുകൊണ്ടു് എനിക്കു വിരോധമില്ല. ഈ നിയമംകൊണ്ടു് ദോഷത്തേക്കാൾ അധികം ഗുണമാണു് ഉള്ളതു് എന്നാണു് ദിവാൻപ്രസിഡണ്ടു് അവർകൾ ധരിച്ചിരിക്കുന്നതു്. വാസ്തവം അങ്ങിനെയല്ല. ഗവമ്മെൻറ് എടപെടുന്നതു് വ്യക്തികൾ മുഖാന്തിരമായിരിക്കും. അതു് ആ വ്യക്തിയുടെ മനഃസ്ഥിതിപോലെയുമിരിക്കും. അനുഭവത്തിൽ ദോഷമായിരിക്കും അധികം ഉണ്ടാകുന്നതു്. അതുകൊണ്ടു് അപകടകരമായ ഇത്രയും അധികം അധികാരങ്ങൾ, ഈ കാലസ്ഥിതിക്കു ഒരിക്കലും യോജിക്കാത്ത അധികാരങ്ങൾ, ഏറെറടുത്തു വെക്കുതെ ഗവമ്മെൻറ് ജനങ്ങളുടെ ദുഷ്പേരു കേൾക്കരുതു് എന്നാണു് എനിക്കു പറയാനുള്ളതു്. ഇത്രയും അധികാരങ്ങളൊന്നും ഗവമ്മെൻറിനാവശ്യമില്ല. പക്ഷെ ഇത്രയും വലുതായ ഒരു ബിൽ കൊണ്ടുവന്നാതിൽ അതിശയിപ്പാനില്ല. അത്രത്തോളം വലിയ അടിയാണു് ആയുർവേദ സമാജത്തിൻെറ കാര്യത്തിൽ ഗവമ്മെൻറിനു് കിട്ടിയതു്. ആദ്യേഷ്യം ബില്ലിൻെറ ഡ്രാഫ്ടിൽ പ്രകടിപ്പിച്ചിട്ടുണ്ടു്. ദ്വേഷ്യം അവിടെ അവസാനിക്കട്ടെ. ഇതു് സെലക്ട് കമ്മിറ്റിക്കയച്ചു വേണ്ട ഭേദഗതികളും ചെയ്താൽ കാര്യം ശുഭമാകുമെന്നാണു് എനിക്കു തോന്നുന്നതു്.

Mr. A. B. Salem *(Mattancheri):* Sir, I regret very much that I have to oppose the principles underlying this Bill. We are in days when we are surrounded by so many kinds of charitable institutions, both indigenous and foreign. There are missions. There are Salvation Army institutions. There are very many other societies.

Mr. President: Are they registered under this Act?

Mr. A. B. Salem *(Mattancheri):* No. They are not registered under the Act. But, if you say that only societies registered under this Act will come here, what I want to say is that the analogy of these societies would hold good here also. Now an American Mission may be working here. They may go about collecting money from persons, very many persons, in Cochin. The Salvation Army may be working here. They are registered in England and they may be collecting money in India or outside Cochin and inside the State. Simply because public money is collected in the shape of charity for purposes of carrying out the objects of particular societies, would you be justified to enter upon and interfere with the management and control of these societies?

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Dr. A. R. Menon *(Minister for Rural Development):* Suppose they do not carry out the intentions?

Mr. A. B. Salem *(Mattancheri):* There are hospitals in England. Most of the hospitals there are managed, not by public funds but by private funds. And there are many other autonomous institutions, and this Bill wants to make every autonomous institution, instead of being managed by themselves, to control them and to check their vagaries by Government interference. That is the principle. A university is an autonomous institution. You don't meddle with it.

Dr. A. R. Menon *(Minister for Rural Development):* The interference will be only when the Government are satisfied from the complaints that the society is being mismanaged; not otherwise.

Mr. A. B. Salem *(Mattancheri):* The question is, when an autonomous body comes into existence and is registered under our Societies' Act here, whether they will become autonomous bodies. Their managers are under the control of the general body. Simply because of the fact that this atuonomous body collects money both inside and outside the State in the shape of charities there is no meaning in bringing them under the provisions of this Act. Simply because *A* has got a little money from the members of the public, are Government bound to interfere or entitled to interfere? The question is, *A* goes about asking for charity from a large number of people. And a large number of people pay him some money out of charity. Instead of using it for the particular purpose for which he collected it, he takes up into his mind to divert it to some other purpose. Are Government justified to interfere with it?

Dr. A. R. Menon *(Minister for Rural Development):* Why not?

Mr. A. B. Salem *(Mattancheri):* *A* went about asking for charity. You gave some two or four annas; *A* collected it like that. Can you say that *A* must use that money in a particular way and not in any other way?

Dr. A. R. Menon *(Minister for Rural Development):* If he has collected the money on certain promise and if he does not fulfil that promise.....

Mr. A. B. Salem *(Mattancheri):* What promise is there in charity?

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Mr. President: What is the use of drawing analogies which do not apply here?

Mr. A. V. Moothedan *(Chalakkudi):* Not only that. They are not registered under this Act.

Mr. A. B. Salem *(Mattancheri):* A society is registered under this Act. That society goes about in Travancore and all over India and collects money for this purpose. Now, I don't see any reason why the Government should interfere in this case. That is my point. My point is that you are assuming power to deal with societies once registered under this Act. The question is, are you entitled to interfere simply because a society is collecting money from the public at large? That is one point. If you are entitled simply because they are collecting money from outside, then what is the justification to interfere? The moment you make it public that any institution which we have encouraged under certain belief is not carrying out its intentions, there are methods opened to Government to bring the institution into disrepute or expose the vagaries of it.

Dr. A. R. Menon *(Minister for Rural Development):* How is it?

Mr. A. B. Salem *(Mattancheri):* Yes. Publish a press communique. Why should you introduce such a Bill? You could have published a press communique in the Government Gazette regarding the mismanagement.

Mr. A. V. Moothedan *(Chalakkudi):* How can they do it?

Mr. A. B. Salem *(Mattancheri):* Government can do it. They can publish a communique detailing the mismanagement and stating that for certain reasons Government do not wish to continue this grant, etc. The moment you publish such a communique, it will go to every country and that will cause disrepute to the institution.

Mr. President: What happens to the two lakhs collected already?

Mr. A. B. Salem *(Mattancheri):* That is gone. What can you do with it now? They have taken the money outside Cochin. Can you possibly bring the money back? What is the use of interfering now? After the stable door is opened and the horse has fled, what can you do? *(Laughter).*

Dr. A. R. Menon *(Minister for Rural Development):* But the stable is still there *(Laughter).*

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Mr. A. B. Salem *(Mattancheri):* You could have prevented it some way.

Mr. President: I think, these are all matters of detail that ought to be considered by a Select Committee.

Suppose these provisions had existed in the Act, then we would have utilised these provisions, examined the accounts and then we would have dismissed the managing committee. And we would have been able to put in its place a properly constituted managing committee under the law, and that committee would have been able to file a suit in the British Court for recovering the amounts misappropriated, if any, from those who are no more trustees.

Mr. A. B. Salem *(Mattancheri):* That you can do even now.

Mr. President: Because we have no power now to constitute a committee.

Mr. A. B. Salem *(Mattancheri):* The point is this. I don't want to controvert your provisions. The thing is, whether we should assume this power by an Act. These are very wide powers. The Hon'ble the Deputy President has just now told us that there are many *samajams* that are registered in Cochin and which are working upon charitable contributions from the public. And now when we have got general bodies in the *samajams* which will come and set matters right, you say, "no, we will supersede those bodies and set matters right ourselves." That is the question. The question is in the other case, all of them join together and say, "we shall not allow the Government to interfere." If really a *samajam* is mismanaged and the managing committee misappropriates its funds, then you should ordinarily expect the general body of the *samajam* to come up and settle the matters. Instead of that why are you trying to bring the matters to this climax? When they find that they could not settle the matters themselves, one of them will rush to the court and will set the matters right. Provisions exist in law even now and many people take advantage of that. For instance, a mosque or a jewish society is registered or a Nayar Samajam is registered. Now, if it is to be said that in all matters where public funds are involved, you are entitled to interfere under the new Regulation, then we do not know how these things will ever exist. My own view is that if there is any *samajam* which begins to think that Government can interfere with them on the very report of a small officer, then every *samajam* will tremble at it *(laughter)*. Because they may be afraid that they will be interfered with and that the whole management will be removed upon the report of a small local officer. Such a state of affairs would

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kill all self-activities and all self-government ideas among the people to manage their own affairs. All these ideas will come to an end. You would only have Government-controlled, Government-interfered institutions in the State. That is the danger that I see. And I, much as I would like always to support the Minister, whenever he brings in a Bill *(laughter)*; am bound to give expression to my opinion freely and give a warning. I have heard with great attention what the Chair has beeen good enough to give us for our guidance; but I am not changing my view. The question is, it is better to leave things alone and as the people are educated in the country, they will know how to deal with their own affairs. And, if they do not know, let them suffer the consequences. That is all what I have to say.

Now, as the Hon'ble Deputy President said, when the Kerala Ayurveda Samajom was started at Shoranur, it is the weight of the persons that constituted the committee that weighed with the Government. There is no doubt about that. There was a case of a vidyalaya in which extraordinary interference was necessary. A suit was filed against the Desamangalam people for mismanaging some vidyalayam. The matter came before this Council; they were all rectified. In a similar manner, if it comes to the notice of the Government that any *samajam* registered in Cochin State is not carrying out the objects of the *samajam* and is doing wrong things inside the State, there are methods of interference. It need not be by an Act of this sort. You can stop the money grant. You at once stop the grant. What are you doing in cases of mismanagement of aided schools? As soon as a complaint is received about an aided school, enquiries are set a foot and immediately money grants are stopped.

Suppose a missionary society is registered here and they go about collecting money from America, Japan, Africa, etc., and bring the money here—I think we will be killing many of the institutions than doing them any good or safeguarding their interests, by passing such a measure. I think the measure is fraught with greater danger for wiping out these institutions than for correcting them when they are going wrong. I am sorry that what I have heard has not convinced me to support this measure.

മിസ്സർ ഇസ്മാൽ ഹാജി ഈസാ സേട്ട്: സർ, ഗവമ്മെണ്ടിൽനിന്നും കൊണ്ടുവന്നിട്ടുള്ള ഈ ബില്ലിന്റെ മുഴുവൻ ഭാഗത്തോടും ഞാൻ യോജിക്കുവാൻ വിചാരിക്കുന്നില്ല. ചില സമാജങ്ങളും ഹോസ്പിറ്റലുകളും മറ്റും പൊതുവായി നടത്തേണ്ട കാര്യത്തിനുവേണ്ടി ആറേഴ പേർ ചേർന്ന് പല സംഖ്യകളും വസൂൽചെയ്ത് മിസ്സ്മാനേജ് ചെയ്യുതിനെ പരിഹരിക്കുവാൻ ഇങ്ങിനെ ഒരു ബിൽ കൊണ്ടുവരുന്നതു സ്റ്റോറിലൊട്ടാകെയുള്ള വളരെ സമാജങ്ങൾക്കും പ്രൈവറ്റ് ഹോസ്പിറ്റലു

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കൾക്കും ചാരിറ്റബിൾ ഇൻസ്റ്റിട്യൂഷൻസുകൾക്കും വലിയ ദോഷമായിരിക്കുമെന്നാണ് എനിക്കു തോന്നുന്നതു്. ഇപ്പോൾ ഈ സ്റ്റേറിൽ നോക്കുകയാണെങ്കിൽ നായർ സമാജങ്ങളായും ഈഴവസമാജങ്ങളായും മറ്റും പല സമാജങ്ങളുമുണ്ടു്. ജനങ്ങളുടെ സഹായത്തോടുകൂടിയാണു് ഇതു് നടത്തിപ്പോരുന്നതു്. അവകളിൽ കുഴപ്പവും ധാരാളം നടക്കുന്നുണ്ടു്. ആ കുഴപ്പങ്ങളൊക്കെ അവർ തമ്മിൽ തമ്മിൽ പറഞ്ഞു പരിഹരിച്ചു് നടത്തുകയും അങ്ങിനെ പരിഹരിക്കാൻ സാധിക്കാത്ത കാര്യങ്ങളെല്ലാം കോട്ടു മുഖേന നടത്തുകയും ചെയ്തുപോരുന്നുണ്ടു്. ഇങ്ങിനെയുള്ള ഒരു ബിൽ കൊണ്ടുവന്നാൽ പല സമാജങ്ങൾക്കും പല ഇൻസ്റ്റിട്യൂഷൻസിനും ദോഷമുള്ളതുകൊണ്ടു് ബിൽ സെലക്ടു് കമ്മിറ്റിക്കയച്ചു് കാര്യങ്ങൾ വേണ്ടംവണ്ണം ആലോചിച്ചു് വേണ്ട ഭേദഗതികൾ ചെയ്തു് ഈ ബിൽ കൊണ്ടുവരണമെന്നാണു് എന്റെ അഭിപ്രായം.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Sir, from the explanation made by the Diwan and by the Hon'ble Minister, I can very well understand the necessity for a legislation dealing with societies or associations collecting public funds. My submission again to this House is that the present amendment is not sufficient to meet the object which the Government have in view. The Diwan and the Minister referred to the case of the Ayurvedic Samajam at Cheruthuruthy. I can conceive of another *samajam* doing very nearly or exactly the same thing as that *samajam* without being registered under this Act. For this purpose, what difference does it make whether a society is registered under this Act or not? There are several societies which are not registered under the provisions of Act II of 1088. After all, the only benefit of registration is to facilitate to sue and be sued upon in a court of law in the name of the society. Otherwise, absolutely no privilege is conferred upon such societies. Societies which are not registered under this Act are completely exempt from the provisions of the proposed amendment. They may be collecting, mismanaging their funds, so that if at all the Government made out a case, they have only made out a case to control associations or societies in the nature of public trusts dealing with public funds. My submission is that the present amendment will not be sufficient to fulfil the objects which the Government have in view. It will, on the other hand, introduce very many difficulties for ordinary associations and *samajams* which are existing throughout the length and breadth of our country. And there will be very great difficulty in the working of these *samajams*. Therefore, a completely different type of legislation is required. That can be done in the Select Committee.

Mr. President: If there are more members to speak on this, I think, we shall resume the discussion on the Kuries Bill.

(*Several voices.*—We shall put the motion to vote.)

Motion put and carried

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Secretary to the Council: The title of the Bill is "The Cochin Registration of Literary, Scientific, and Charitable Societies Act (Amendment) Bill".

The Cochin Kuries Bill—*(cont.)*

Clause 13

*__Mr. C. R. Iyyunni__ *(Trichur-South):* Sir, the amendment that stands in my name is with regard to Clause 13 (1) (b)

My amendment is as follows.—"*In clause 13 (1) (b), delete the words" inclusive of all incidental expenses" between the words "kuri" and "subject.*"

Clause 13 (1) (b) reads as follows: "The foreman shall be entitled to such commission as may be fixed in the *vaimpu* for each instalment of the kuri inclusive of all incidental expenses, subject to the maximum specified in the schedule. My amendment is to delete the words "inclusive of all incidental expenses" between the words 'kuri" and "subject". After all, the Council understands that it is a very small amount and that amount is generally set apart for expenses incurred in supplying chewing materials and such other things for the subscribers who gather on the kuri day. After all, it is an expense that is actually incurred. Now, according to the present section, that also must be included within the commission that is granted in the schedule. In the schedule, what is stated is, where the kuri amount is Rs. 100 but is below Rs. 200, a maximum commission of Rs. 5 per instalment. And, if it is Rs. 5,000 and above, Rs. 50. So it applies also to every kuri. If the *kuri sala* is over Rs. 5,000, the maximum commission fixed is Rs. 50 and that Rs. 50 must include this incidental expenses also. My suggestion is that this incidental expense may be excluded from it and a special proviso may be added fixing the rate. Of course, there is a complaint with regard to the matter. Sometimes, abnormal amounts are set apart for incidental expenses. That may also be controlled, so that there may be a uniformity. My submission is that this small amount need not be included in the maximum commission that is set forth in the schedule.

Mr. P. K. Madhava Menon *(Narakkal):* Sir, I second the amendments.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I oppose this amendment. In the first place the schedule fixes the maximum

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*Speech not corrected by the hon'ble member.

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